

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.285 OF 2005

Office notes, office	:	
Memoranda of Coram,	:	
appearances, Court's	:	Court's or Judge's Orders
orders or directions &	:	
Registrar's orders.	:	

Mr. K.R. Belosey for the appellant.

Mr. Parimal Shroff with Mr. M.S.
Mhambrey for respondent 2.

**CORAM: SMT. RANJANA DESAI &
D.B. BHOSALE, JJ.**

DATED: 16TH JANUARY, 2006.

P.C.:-

1. In this appeal, there is a challenge to the order dated 16/9/2005 passed by the learned single judge in First Appeal No.1241 of 2005. In our opinion, this appeal cannot be entertained in view of section 100-A which is substituted by Civil Procedure Code (Amendment Act), 2002. The learned counsel for

the appellant strenuously contended that the appeal is maintainable as

the learned single judge has not called for the records and proceedings of the trial court. We find no substance in this submission. The impugned order runs into 40 paragraphs. The order indicates that respondents 1 and 2 were heard. We are informed that the hearing went on for 4 to 5 days. We are also informed that the relevant documents were produced before the learned single judge. The evidence was considered by the learned single judge. In view of this, the submission of the learned counsel that the learned single judge had not considered the record has no substance. From the impugned order, it is clear that the learned single judge has considered all submissions

advanced by the parties and examined them in proper perspective. It is also pointed out to us that the appeal was

heard finally at the admission stage with a clear understanding to that effect. In view of this, the appeal is rejected.

(SMT. RANJANA DESAI, J.)

(D.B. BHOSALE, J.)